

<b>Policy Name:</b>	<b>Eligible Training Provider (ETP) List (Initial and Continued Eligibility Approval)</b>
Effective Date:	April 14, 2023
Date Approved:	April 14, 2023
Last Date Modified:	March 10, 2023
Owner:	Director of Adult and Dislocated Worker and Executive Director
Review Date:	

## **Purpose:**

The Workforce Innovation Opportunity Act (WIOA) requires training service providers for WIOA participants be certified as Eligible Training Providers (ETPs). WIOA further requires that states establish criteria by which Local Workforce Development Boards (LWDBs) certify ETPs. Training providers and offerings must be listed on the ETPL in order to receive WIOA funding through an Individual Training Account. This requirement is intended to assure that WIOA participants are trained by education and training entities that have demonstrated effectiveness in providing training that leads to program completion, employment in unsubsidized jobs, and job retention.

The workforce development system established under WIOA emphasizes informed consumer choice, job-driven training, provider performance, and continuous improvement. The quality and selection of training services, providers and programs are vital to achieving these core principles. As required by WIOA Section 122, States, in partnership with Local Workforce Development Boards (LWDBs), must identify eligible training providers and programs that are qualified to receive WIOA Title I-B funds to train adults and dislocated workers, including those with disabilities. The approved State list of ETPs and programs serves as an important tool for participants seeking training to identify appropriate providers and programs, including program costs and outcomes.

The State meets this statutory requirement through the establishment of the New York State (NYS) Eligible Training Provider List (ETPL) which may be found at <https://applications.labor.ny.gov/ETPL>.

## **Reference Documents:**

WIOA Section 122, U.S. Department of Labor Employment and Training Administration Training and Employment Guidance Letter No. 8-19 (1-2-20) and New York State Department of Labor Workforce Development System Technical Advisory No. 18-02.4 (12-8-21). Please reference, Appendix A: Definitions on pages nine and 10.

## **Policy:**

This policy establishes the procedure and criteria for Eligible Training Provider Certification in the Onondaga County Workforce Development Area (OCWDA) pursuant to WIOA Section 122.

## **Initial Eligibility:**

I. Training providers requesting Onondaga County Workforce Development Board (OCWDB) approval must complete the web-based application process provided by the NYS Department of Labor (<https://applications.labor.ny.gov/ETPL>). Training providers NOT registered with the New York State Education Department (NYSED), or the Bureau Proprietary School Supervision (BPSS) are required to complete Attachment A - "Additional Information Needed from training Providers Submitting Training" form. Applications are reviewed by the Executive Director, or his or her designee, and the OCWDB Program Committee using the eligibility criteria listed below.

- An institution of higher education that provides a program which leads to a recognized postsecondary credential.
- An entity that carries out programs under the National Apprenticeship Act; or
- Any other public or private provider of training services, which may include community-based organizations (CBOs), joint labor-management organizations, or eligible providers of adult education and literacy activities under WIOA Title II, if such activities are provided with one or more of the following training services:
  - Occupational skills training;
  - On-the-job training (OJT);
  - Incumbent worker training (IWT);
  - Programs that combine workplace training and related instruction;
  - Training programs operated by the private sector;
  - Skill upgrading and retraining; or
  - Entrepreneurial training.

In addition, NYS Education Law (Section 5001) provides greater detail on the type of providers that must be (1) licensed to be considered for the ETPL, or (2) organizations that do not require licensing as they may qualify under an exemption in the legislation.

There are several exemption types under the education law. Common exemptions used by approved ETPL providers are:

- Exemption A – Institutions authorized to confer degrees in NYS.
- Exemption G – Schools in which the course of instruction is licensed, registered, or approved under any other section [of this chapter] or by any other department or agency in NYS; and
  - Please note: The term "school" is used in the law, but this is interpreted to mean any entity that qualifies under the exemption.

Further a Local Workforce Development Board (LWDB), such as CNY Works, is considered a “department or agency in NYS” with the ability to approve a course of instruction under this exemption, should this be the exemption chosen in their ETPL application.

- Exemption O – Schools in candidacy status pursuant to subparagraph (iv) or paragraph b of subdivision four of Section 5001.

Because of the exemptions, not all ETPL training must be provided by a NYS Education Department (NYSED)-approved proprietary school. Non-NYSED oversight entities who may approve training providers include, but are not limited to:

- NYSDOL;
  - NYS Department of State (DOS);
  - NYS Department of Motor Vehicles;
  - The American National Standards Institute; and
  - LWDBs
- Training offerings are for in-demand occupations as identified on or in alignment with the Local Workforce Development Area (LWDA) Demand Occupation List.

(NOTE: Training provider offerings that do not align with the LWDA Demand Occupations List but can demonstrate that the training program or course is for an emerging or targeted occupation in the LWDA, are submitted to the OCWDB Program Committee for review, discussion, and recommendation to the OCWDB for approval. These approvals must be noted in the OCWDB Meeting minutes.)

## II. Training Program Approval Criteria

WIOA regulations at 20 CFR 680.420 state that a program of study is defined as one or more courses or classes, or a structured regimen that:

- Provides job-driven training services and leads to a recognized post-secondary credential, as defined in WIOA Section 3(52), which includes:
  - Industry recognized certificates or certifications; or
  - A certificate of completion of a Registered Apprenticeship (RA); or
  - A license recognized by the state involved or the federal government; or
  - Employment; or

- Measurable skill gains toward a recognized postsecondary or secondary school diploma or its equivalent employment.

These training services could be delivered in-person, online, or in a blended approach.

The ETPL is free to apply to and functions largely as an online billboard for a local area's available training opportunities. For this reason, LWDBs are not prohibited from generally approving most training courses and should consider whether the course will lead to the acquisition of professional skills and/or career enhancement. When considering whether a training course should not only be approved, but also be eligible for WIOA funding, the LWDB must also ensure that the course of study is in an in-demand occupation for their local area.

### III. Out-of-State Providers

Requests from training providers outside of the Local Workforce Development Area (LWDA) will be reviewed and considered. It is the intent of the Onondaga County Workforce Development Board (OCWDB) to support local training providers.

Training providers that do not have an in-state training facility may apply to the Onondaga County Workforce Development Board (OCWDB) for initial eligibility for any distance learning coursework that leads to a postsecondary credential recognized by WIOA. If approved, the provider will be added to the ETPL.

### IV. Period of Initial Eligibility

Twelve (12) months from the date the training provider and its program or course is first approved for ETPL listing by the Onondaga County Workforce Development Board (OCWDB).

### V. Initial Eligibility Review Process

During the Initial Eligibility Review Process LWDBs are responsible for the following:

- Notifying providers of the opportunity to apply to be on the ETPL.
- Acting on a training provider's offering application within 30 days of receipt.
- Completeness of the application submitted to the ETPL.
- Setting levels of expected program-specific performance.
- Ensuring that training providers submit for consideration performance, including any verifiable, program-specific performance information required by the NYS Department of Labor, and program costs.
- Information for each course offering.

- Requiring that training providers follow NYS laws by having a current license, certification, registration, and approval or exemption from the appropriate State or Federal oversight agency.
- Evaluating the experience and reputation of the training provider, the schedule of offerings, and whether submitted coursework meets WIOA training services definitions and leads to a WIOA-recognized postsecondary credential.
- Considering other information that may be locally relevant in deciding of funding eligibility.

VI. Approved Training Providers:

Are not required to list their entire course catalog on the ETPL. Courses participants wish to enroll in are the only required courses listed. Providers offering training services at multiple locations do not need to apply for each location; if the training provider is approved, the approval extends to all locations.

VII. Registered Apprenticeship Programs:

ALL U.S. Department of Labor and NYSDOL Registered Apprenticeship programs are automatically eligible for ETPL inclusion. Additionally, Registered Apprenticeship Programs are subject to an abbreviated application process to be placed on the ETPL.

NYSDOL's Registered Apprenticeship Training Office will advise Registered Apprenticeship sponsors of their right to be included on the ETPL via United States Postal Service (USPS) mail and e-mail. NYSDOL will notify Registered Apprenticeship Program sponsors of their initial and continued ETPL eligibility.

VIII. WIOA Funding

Inclusion of the provider on the ETPL does not entitle or assure that the provider will receive funding from the Onondaga County Workforce Development Board (OCWDB). Course offerings being funded must provide training for in-demand occupations as identified on or in alignment with the LWDA Demand Occupation List. Training providers not listed on the ETPL may receive WIOA training funds if the training is considered on-the-job training, incumbent worker training, customized training, or transitional employment.

**Eligibility Denial:**

If the OCWDB denies a provider's application for Initial or Continued Eligibility, they must inform the provider in writing within thirty (30) days. The denial correspondence should include the reason(s), as well as complete Appeal Process information.

Recommendations to deny the eligibility of an offering may originate from either the Onondaga County Workforce Development Board (OCWDB) or New York State Department of Labor (NYSDOL). Eligibility may be denied or terminated for one or more of the reasons listed below.

- ETPL submissions will be denied for any training provider that intentionally supplies inaccurate information.
- ETPL submissions will be denied for any training provider that substantially violated any WIOA requirement(s).
- The ETPL application is incomplete or is not submitted timely.
- The training provider does not have appropriate State or Federal approval to operate.
- The offering does not meet WIOA's training services definition.
- Required performance data is not included with the application or the performance data does not meet Expected Performance Levels:
  - 1) Training Provider experience and reputation.
  - 2) Compliance with NYS laws by having a current license, certification, registration, approval, or exemption from the appropriate State and/or Federal oversight agency.
  - 3) Performance and Cost information for each course offering.
- The training provider is delinquent in the delivery of reports, debt payment, or otherwise out of compliance with WIOA, regulations, or any WIOA-executed agreement.
- The training provider is not current in the payment of unemployment insurance contributions or reimbursements, or is in violation of NYS Labor Laws, or any other WIOA training program requirements.
- Failure to demonstrate the business capacity or integrity to successfully deliver training.
- If it is determined that the training provider was not in good standing under a previous name.

### **Continued Eligibility:**

After a training provider has reached the end of the 12-month Initial Eligibility period, LWDBs must perform a Continued Eligibility review of the provider as outlined in NYSDOL TA No. 18—02. The review will cover performance, compliance, and training needs of the LWDA. The eligibility review must be performed every 24 months thereafter.

### **Retention of Initial and Continued Eligibility:**

To retain Initial and Continued Eligibility, a training provider must deliver results and provide accurate information to the OCWDB and NYSDOL. Eligibility may be denied or terminated in accordance with the Eligibility Denial criteria previously listed on page six.

### **Appeal Process:**

Training providers that have been denied approval to be included and/or removed from the LWDA ETPL may appeal this decision. The LWDA maintains the right to deny or remove training providers from the ETPL in accordance with the Eligibility Denial criteria previously listed on page six.

If an offering is denied approval the training provider may take the following steps:

- 1) Training providers have the right to appeal eligibility denial status. A training provider has fifteen (15) business days from the date of a denial notice in which to file an appeal. The appeal request must be in writing, signed by an authorized agent of the training provider, and submitted to both the Onondaga Local Workforce Development Board (OCWDB) and NYSDOL.
- 2) The OCWDB and NYSDOL may reverse their original denial if an administrative error was made or if additional information submitted by the training provider changes the basis on which the original decision was issued.
- 3) If the OCWDB and NYSDOL do not reverse their original denial, the training provider will not be able to reapply to the ETPL until after a specified waiting period. The length of the waiting period will be determined by the OCWDB and NYSDOL based on the reason for the denial, up to a maximum of 24 months. Each case will be individually reviewed, and the waiting period will be calculated from the original denial date.

### **Limitations:**

The Onondaga County Workforce Development Board's (OCWDB) responsibility to carry out this policy may be limited by the functionality of the ETPL application. The development and maintenance of the ETPL is a State responsibility. If the functionality of the ETPL application does not allow the OCWDB to carry out provisions of this policy, those provisions will not be enforced until the full functionality of the ETPL application is implemented or restored.

**Revisions:**

The OCWDB a.k.a. CNY Works, Inc. has the authority to make technical revisions to this policy. Technical revisions may be made to better align this policy with federal or state laws, statutes, regulations, or policy guidance; to better align this policy with other local policies; to respond to changes in the WIOA budget that impact this policy; or to revise references to source documents cited in this policy. Any revision to this policy that could have a substantial impact on participants must be approved by the OCWDB. The Executive Director or his or her designee has the authority to temporarily approve policy changes until the next Program Committee Meeting and subsequent OCWDB Directors Meeting.



## Appendix A: Definitions

Term	Definition
Apprenticeship Program	An entity that carries out programs registered under the National Apprenticeship Act.
Adult Education and Literacy Activities	<p>Providers of adult education and literacy activities authorized under WIOA Title II if such activities are provided in <u>combination</u> with occupational skills training.</p> <p>NOTE: Adult education and literacy training cannot be provided as stand-alone training through an Individual Training Account (ITA).</p>
Credential	<p>A formalized recognition (such as a certificate or certification) of an individual's attainment of measurable or occupational skills necessary to obtain employment or advance within an occupation. The technical or occupational skills attained are generally based on standards developed and/or endorsed by employers. A credential can be "stacked" with other credentials as part of a sequence to move an individual along a career pathway or up a career ladder.</p> <p>NOTE: A "Work Readiness" certificate is not included in this definition because it does not document "measurable technical or occupational skills necessary to gain employment or advance within an occupation.</p>
Eligible Training Provider (ETP)	<p>A provider of training services programs who has met the eligibility requirements to receive WIOA Title I Adult and Dislocated Worker and Out-of-School Youth funds for providing training services programs to eligible individuals. An ETP is an ETP only for the Local Workforce Development Area (LWDA) which has approved the ETP for their local area and only for the program(s) which each LWDA has approved the ETP to provide in that Local Workforce Development Board's (LWDB) Local Workforce Development Area (LWDA).</p> <p>NOTE: An ETP approved by one LWDB does not necessarily mean that the ETP will be approved by other LWDBs as each LWDB's ETP criteria and need may differ.</p>
Higher Education Institutions	Provides an education or training program that leads to a recognized post-secondary credential.
Other Private or Public Training Providers	Joint Labor Management organizations, pre-apprenticeship programs, and occupational or technical skills training providers.
Participant	A person who is eligible under, and receiving training services under, WIOA Title I-B in an approved training program from an approved training provider.

<b>Term</b>	<b>Definition</b>
Program Completer	A program participant who has met all the requirements of a training program.
Program of Training Services	A training services program is one or more courses or classes, or a structured regimen that leads to a recognized post-secondary credential, secondary school diploma or its equivalent, or measurable skills gains toward such a credential or employment.
Recognized Post-Secondary Credential	A formalized recognition consisting of an industry recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State or Federal Government or an associate, baccalaureate, or master's degree.

Last Revised Date and Time: Friday, March 10, 2023 @ 12:05 p.m. incorporating requested revisions by NYSDOL Program Monitor per their review on Thursday, March 9, 2023.